

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 8, 9, 12, 17, 24, 27, and 30 have been amended. No claims have been cancelled without prejudice. Therefore, claims 1, 3-4, 6-14, 16-17, 19-20, 24-34 now are presented for examination.

35 U.S.C. § 103 Rejection

Claims 1, 4, 6-12, 14, 16-17, 20, 24, 26-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner et al., U.S. Patent No. 6,269,394 (“Kenner”), in view of Rune, U.S. Patent No. 6,304,913 (“Rune”).

Applicant submits that Kenner discloses “[w]hen the user requests a desired video clip, the request is processed by a primary index manager (“PIM”) via a Local Search and Retrieval Unit (“SRU”) [and] . . . [b]efore the message is communicated to the PIM, the local SRU checks its own storage to see whether the requested video clips are available locally . . . [t]he PIM determines the extended SRU where the audio-visual data is stored and passes this information to a Data Sequencing Interface (“DSI”) . . . [which] collects the video clips and downloads the clips to the user’s terminal . . . [t]he user may then view, copy, or print the video clip as desired” (Abstract; emphasis provided). Stated differently, Kenner discloses attempting to provide video clips “stored locally” and, if such attempt fails, to provide “a system whereby remotely stored audio and video content can be requested and retrieved from a server selected so as to maximize network capacity and minimize transmission delays” (col. 1, lines 11-21).

Applicant submits that Rune discloses an “[i]nternet system [that] includes [a] requester that transmits a translation request to a database. In response to the translation

request, a selector (see FIGS. 3-13) operates to select one of the servers (e.g., mirror server and alternative server) *located nearer to the requester.*" (col. 3, lines 6-11; emphasis provided). Additionally, the internet system selects the "mirror server ... located *relatively close* to a particular user." (col. 1, lines 43-46; emphasis provided).

Claim 1, in pertinent part, recites "selecting the edge server to provide the requested data to the requesting system, wherein the selecting of the edge server further comprises forwarding the address to a database having a predetermined list of addresses corresponding to the plurality of edge servers, and looking up the address corresponding to the edge server in the database, wherein the edge server is a nearest streaming server to the requesting system." (emphasis provided). Kenner does not disclose or reasonably suggest that the edge server is a nearest streaming server to the requesting system as recited by claim 1. In fact, the Examiner has indicated that Kenner "discloses that the system routes the client to receive information from the closest server, it *does not directly indicate whether this is in relation to the requesting system.*" (Office Action, mailed December 16, 2004, page 4; emphasis provided).

In addition, Rune does not disclose or reasonably suggest that the edge server is a nearest streaming server to the requesting system as recited by claim 1. A server located *nearer* or *relatively close* to the requesting server is not the same as the nearest streaming server to the requesting system as recited by claim 1. Stated differently, locating the nearest server uses a "non-address based protocol to route the data to a server." (Specification, page 5, lines 13-14; emphasis provided). Conversely, locating the *nearer* or *relatively close server*, as stated in Rune, requires that the "requesting host receives *all of the IP addresses* from the DNS server." (fig. 4; emphasis provided). Hence, Rune discloses away from the non-address based protocol method of locating the nearest

server, as recited by claim1. Accordingly, for at least the reasons set forth above, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 9, 14, 17, 24, 27 and 30 contain limitations similar to those of claim 1 and accordingly, Applicant requests the rejection of claims 9, 14, 17, 24, 27 and 30 and their dependent claims be withdrawn.

Claims 3, 13, 19, 25 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner, in view of Rune, and in further view of Alkhatib, U.S. Patent No. 6,119,171 (“Alkhatib”).

With regard to claims 3, 13, 19, 25 and 34, they depend from one of independent claims 1, 9, 17, 24, and 30 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 3, 13, 19, 25 and 34.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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